IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1797 OF 2006

The State of Maharashtra ...Applicant
V/s.
Miss Smita Raghvendra Galgali & Ors. ...Respondents

Mr.Y.M. Nakhawa, APP for the State.
None for the Respondents.

CORAM : V.M. KANADE, J.

DATED : OCTOBER 1, 2007

P.C. :-

. State has filed this appeal against acquittal challenging the order passed by the JMFC Court No.2, Solapur, dated 19.12.2005 whereby the accused were acquitted of the offences punishable under Sections 420, 468, 471, 193 read with Section 34 IPC.

2. Prosecution case is that accused Smita Galgali was working as Head Mistress since 12.6.89 in the school when the complainant was President. One Shashikant Vijay Kamble was admitted in the said school on 12.6.95 and at that time, his birth date was mentioned as 1.6.82. Thereafter, the said student left school 31.5.96 and an application was filed by him demanding the School Leaving Certificate. Accordingly, School

Leaving Certificate was granted, however, the Date of Birth which was mentioned in the said certificate was 1.6.78. On the basis of the said School Leaving Certificate, the said student applied for a job with the Railway Department. Subsequently, a complaint was lodged by the Railway Department and all the documents were seized. The trial Court after having gone through the evidence on record has taken into consideration the admission which was given by the prosecution witness who had admitted that accused no.1 had sought permission from the Competent Authority for making a change in the birth date of Shashikant and the said application was allowed after the original documents were verified. Further, the prosecution witness PW 1 has candidly stated in his evidence that he had no direct knowledge of forgery. Taking into consideration this evidence as also the evidence of handwriting expert, the trial Court acquitted the accused.

3. In my view, no case is made out for interfering with the order passed by the trial Court.

4. Leave is refused.

(V.M. KANADE, J.)